

Notice of Allowability

Application No.

09/631,101

Examiner

James H. Blackwell

Applicant(s)

GUNN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 07/25/2007.
2. ☒ The allowed claim(s) is/are 1-9, 11-57, 83-84, 96-106, 131, 133137, 139, 142-155, 157-159, 161-168, 171-189 renumbered 1-117.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Doug Hutton/
Supervisory Patent Examiner
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Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 07/23/2007, 08/01/2007.

DETAILED ACTION

1. This Office Action is in response to an amendment filed 07/23/2007.
2. Amended Claims
 - Applicant has amended claims 1, 2, 7, 11-13, 20, 21, 47, 48, 83, 84, 137, 139, 155, 157, 161, 162, 165-168, and 189.
3. Cancelled Claims
 - Applicant has canceled claims 10, 85, 130, 132, 136, 138, 156, 160, 169, and 170.
 - Claims 57-82, 86-95, 107-129, 134-135, and 140-141 were previously canceled.
4. Pending Claims
 - Claims 1-9, 11-56, 83, 84, 96-106, 131, 133, 137, 139, 142-155, 157-159, 161-168, and 171-189 are currently pending.
5. Previously Allowed Claims
 - Claims 96-104, 142-154 and 185-188 were previously allowed.
6. Objected Claims
 - Claims 3, 6, 10-11, 13, 26-29, 31, 35-37, 42-45, 130-133, 136-139, 156-159, 161-162, 165-170, 175, and 181-184 were objected to as being dependent upon a rejected base claim.
 - Claims 3, 6, 10-11, 13, 26-29, 31, 35-37, 42-45, 130, and 131 all depend directly or indirectly from independent claim 1. Applicant amended claim 1 to include the subject matter of claim 130, which the Examiner had

indicated would be allowable if rewritten in independent form, and Applicant canceled claim 130. Accordingly, the Examiner withdraws the objection to Claim 130. Having included the subject matter of Claim 130 into Claim 1, the Examiner also withdraws the objections to Claims 3, 6, 10-11, 13, 26-29, 31, 35-37, 42-45, and 131.

- Claims 132 and 133 depend directly from independent claim 47. Applicant amended claim 47 to include the subject matter of claim 132, which the Examiner had indicated would be allowable if rewritten in independent form, and Applicant cancelled Claim 132. Accordingly, the Examiner withdraws the objection to Claim 132. Having included the subject matter of Claim 132 into Claim 47, the Examiner also withdraws the objection to Claim 133.
- Claims 136 and 137 depend directly or indirectly from independent claim 83. Applicant amended claim 83 to include the subject matter of claim 136, which the Examiner had indicated would be allowable if rewritten in independent form, and Applicant canceled claim 136. Accordingly, the Examiner withdraws the objection to Claim 136. Having included the subject matter of Claim 136 into Claim 83, the Examiner also withdraws the objections to Claim 137.
- Claims 138 and 139 depend indirectly from independent claim 84. Applicant amended Claim 84 to include subject matter of Claim 138, which the Examiner had indicated would be allowable if rewritten in independent

form, and Applicant canceled claim 138. Accordingly, the Examiner withdraws the objection to Claim 138. Having included the subject matter of Claim 138 into Claim 84, the Examiner also withdraws the objections to Claim 139.

- Claims 156-159, 161-162, 165-170, 175, and 181-184 depend directly or indirectly from independent claim 155. Applicant amended claim 155 to include subject matter from claim 156, which the Examiner had indicated would be allowable if rewritten in independent form, and Applicant canceled claim 156. Accordingly, The Examiner withdraws the objection to Claim 156. Having included the subject matter of Claim 156 into Claim 155, the Examiner also withdraws the objections to Claims 161-162, 165-170, 175, and 181-184.
- Claim 166 was amended to clarify the claim language and make the claim more readable. The Examiner withdraws the objection.
- The Examiner had advised that if Claims 160, 161, and 162 were allowable, then Claims 164, 169, and 170 would be objected to under 37 C.F.R. § 1.75 as being duplicates. In response, Applicant has canceled Claims 160, 169, and 170. The Examiner withdraws the objection.

7. Rejected Claims

- 35 U.S.C. § 112
 - The Examiner had rejected claim 7 as being indefinite, alleging that two phrases of claim 7 contradict one another. Applicant amended claim 7 to

remove one of the passages that the Examiner has considered contradictory. The Examiner withdraws the rejection.

- The Examiner had rejected claims 161, 162, 165, and 167-170 as being indefinite because the phrase "completion candidates" was allegedly ambiguous. Applicant has amended claims 161-162, 165, and 167-168 to clarify the meaning of the phrase "completion candidates", and Applicant has canceled claims 169-170. The Examiner withdraws the objections.
- 35 U.S.C. § 102:
 - The Examiner had rejected claims 1-2, 4-5, 7-9, 12, 14-24, 30, 32-34, 38-41, 46-56, 83-85, 105-106, 155, 160, 163-164, 171-174, 176-180 and 189 under 35 U.S.C. § 102(e) as being anticipated by Masui (US 5,959,629).
 - Claims 1, 47, 83, 84, 155
 - As described above, Applicant amended independent claims 1, 47, 83, 84 and 155 to include subject matter that the Examiner had indicated would be allowable if presented in the form of an independent claim. The Examiner withdraws the rejection.
 - Claims 85 and 160
 - Claims 85 and 160 have been canceled.
 - Claims 2, 4-5, 7-9, 12, 14-24, 30, 32-34, 38-41, 46, and 105
 - Claims 2, 4-5, 7-9, 12, 14-24, 30, 32-34, 38-41, 46, and 105 depend directly or indirectly from amended claim 1 and are

allowable due to their dependency from claim 1, and also due to the additional subject matter that each of these claims recite. The Examiner withdraws the rejection and allows these claims.

- Claims 48-56 and 106
 - Claims 48-56 and 106 depend directly or indirectly from amended claim 47 and are allowable due to their dependency from claim 47, and also due to the additional subject matter that each of these claims recite. The Examiner withdraws the rejection and allows these claims.
- Claims 163-164, 171-174, and 176-180
 - Claims 163, 164, 171-174, and 176-180 depend directly or indirectly from amended claim 155 and are allowable due to their dependency from claim 155, and also due to the additional subject matter that each of these claims recite. The Examiner withdraws the rejection and allows these claims.
- Claim 189
 - Claim 189 Applicant has amended claim 189 to include a limitation similar to the limitation that has been added to independent claim 155. Accordingly, is allowable for reasons

including those provided above in respect of claim 155. The Examiner withdraws the rejection and allows claim 189.

- 35 U.S.C. § 103
 - The Examiner had rejected claim 25 under 35 U.S.C. § 103(a) as being unpatentable over Masui in view of "PalmOS".
 - Claim 25 depends directly on amended claim 1 and is allowable due to its dependency from claim 1, and also due to the additional subject matter that it recites. The Examiner withdraws the rejection and allows Claim 25.

8. Other Amendments

- The Abstract has been amended to reduce its length to fewer than 150 words, as required by 37 CFR 1.72(b).
- The Brief Description of the Drawings section has been amended to include a reference to Figure 6A, which is included in the Drawings and referenced in the Detailed Description section.
- Claims 2, 6 and 11-13 depend directly or indirectly from independent claim 1, and have been amended to reflect the amendment to claim 1.
- Claim 48 depends directly from independent claim 47, and has been amended to reflect the amendment to claim 47.
- Claim 137 has been amended to depend directly from claim 83, because it previously depended on now-canceled claim 136.

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- Claim 139 has been amended to depend directly from claim 84, because it previously depended on now-canceled claim 138.
- Claim 157 has been amended to depend directly from claim 155, because it previously depended on now-canceled claim 156.

Allowable Subject Matter

9. With this amendment, Claims 1-9, 11-56, 83, 84, 96-106, 131,133, 137, 139, 142-155, 157-159, 161-168, 171-189 are allowed.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on 8-5 M-F.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James H. Blackwell
08/02/2007

/Doug Hutton/
Supervisory Primary Examiner
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